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Honorable Judge A. Trauger: Cr. No. 3:15-cr-00037-2

U.S. District Court

Middle District of TN

I, Benjamin Bradley, Pro Se, submit a second motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). I have exhausted all of my administrative remedies. On November 9, 2020, I submitted a request to Jonathan Hemingway (Warden) for a reduction of sentence under 3582(c)(1)(A). I have not received a response as of today. Mr reason for the second request of compassionate release is due to significant changes since I filed the first request. The CDC reduced the threshold for obesity from 40+ BMI to 30+ BMI. Now it is down to 25+ BMI. As mentioned at the time, I had borderline obesity because I hovered around a BMI of 40+. That restrained the Court from determining my severe obesity as a COVID risk factor. Now, however, the CDC has lowered the BMI to 25+ BMI which squarely places me in the high risk category that has been determined if I were to contract COVID-19 which would put me at an increased risk of severe illness or death. The recommended diet and exercise will not reduce my increased risk.

Also, since my first request the DOJ issued an internal guidance "directing the United States to concede extraordinary and compelling reasons exist when defendants present certain health conditions, including those in Centers for Disease Control and Prevention High-Risk Group," even though "many conditions the United States conceded constitute extraordinary and compelling reasons are not health conditions from which [the incarcerated person] is not expected to recover,' as required in Note 1(A). Instead, these concessions fall more naturally into catchall provision." United States v. Adeyemi, No. CR 06-124, 2020 U.S. Dist. LEXIS 117743 2020 WL 3642478 at 10 (E.D. Pa. July 6, 2020)(citation omitted).

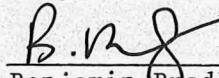
Second, in the last two weeks, FCI Milan has seen another outbreak of COVID-19 with over 100 positive active cases on the compound as of December 14, 2020 and the numbers are continuing to rise which, along with other things,

(Exhibit A) is further proof that the FBOP's best effort cannot protect us from the virus and demonstrates even more the chance I have of contracting COVID-19 at this facility. By me posing no danger to the safety of another person or to the community, along with several new case laws out of this Circuit (United States v. Demetrius Duncan, 2020 U.S. Dist. LEXIS 144753, No. 3:11-cr-00012 for example) others will allow the 3553(a) factors to be met that permit this Honorable Court to grant a reduction under 3582(c)(1)(A).

Enclosed is labeled Exhibit B which includes 13 additional letters of support that weren't filed in my first motion that are relevant to the 3553(a) factors. Also, enclosed is the U.S. Probation's Pretrial Services Memorandum (Exhibit C).

Date: DEC.18.2020

Respectfully Submitted,



Benjamin Bradley
Federal Correctional Institution
P.O. Box 1000
Milan, MI 48160

EXHIBIT A

Home (<https://www.afge.org/>) > Articles (<https://www.afge.org/articles/>) > A BOP Officer Contracted Coronavirus. He Was Told to Return to Work ASAP (<https://www.afge.org/article/a-bop-officer-contracted-coronavirus,-he-was-told-to-return-to-work-asap/>)



A BOP Officer Contracted Coronavirus. He Was Told to Return to Work ASAP

May 04, 2020

28

Categories: [BOP](https://www.afge.org/articles/?Category=40) (<https://www.afge.org/articles/?Category=40>), [The Insider](https://www.afge.org/articles/?Category=84) (<https://www.afge.org/articles/?Category=84>), [Coronavirus](https://www.afge.org/articles/?Category=105) (<https://www.afge.org/articles/?Category=105>)

Randy Hall was having dinner with his family on April 3 when he realized he couldn't smell the food. That worried him - the loss of sense of smell is a telltale sign of COVID-19. As a correctional officer, he had been going to work every day at the Federal Correctional Institution, Milan, Mich., throughout the coronavirus outbreak. The state was on a lockdown, so he had no other contact outside the prison. It was possible he had contracted the virus even though he had none of the usual symptoms, like a fever or shortness of breath.

If he had it, he didn't want to endanger his colleagues and inmates, so he called his office and asked to be tested. The request was denied. The Bureau of Prisons only tested inmates, not staff. They also didn't recognize his symptom as a COVID-19 symptom. They wanted him to keep coming to work even though they didn't give him or his colleagues any personal protective equipment.

The only way he could get a test was through his personal doctor. He decided to call in sick. He then called his family doctor and explained that he was a first responder, that he worked inside a prison, that he had come in contact with many people every day.

The doctor wrote a doctor's order for him to take to the county COVID-19 test center. They gave him a test there and called the following day to report that he had indeed been infected.

When he called his office to report the result, though, they didn't seem to worry about the virus. They told him to return to work if he was fever-free for 72 hours, which he was because he never had a fever. Then they told him to return to work seven days after he started feeling the symptoms, which was two days prior. Then they told him to return to work if there was any improvement at all. There was no 14-day quarantine as recommended by the Centers for Disease Control and Prevention.

Since BOP denied workers health and safety leave, Randy had to take sick leave and planned to file for workers' compensation. Because of pressure from the AFGE Council of Prison Locals, however, the agency now allows paid emergency leave under a new COVID-19 response law.

His only symptom the entire time was the loss of sense of smell. But that doesn't mean he couldn't spread the virus. A lot of people who are non-symptomatic unknowingly spread the virus because they don't even know they have it.

So far, 40 inmates and 50 staff members at FCI Milan have tested positive for coronavirus. Two inmates died. A month ago, one of Randy's colleagues helped take care of an inmate who had to be transported from the prison to a hospital. The colleague was not given PPE - he had

The only symptom was; He couldn't smell !!

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So far, 40 inmates and 50 staff members at FCI Milan have tested positive for coronavirus. Two inmates died. A month ago, one of Randy's colleagues helped take care of an inmate who had to be transported from the prison to a hospital. The colleague was not given PPE – he had requested a mask but was denied. He sat in the ER with the inmate, who later tested positive and died. The colleague contracted the virus and ended up on a ventilator himself.

"With their procedures, they kind of intensified the outbreak inside the prison. One, we didn't have PPE. Two, they didn't recognize my symptoms as COVID-19 symptoms, so they wanted me to come to work," said Randy, who is president of AFGE Local 1741.

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"With their procedures, they kind of intensified the outbreak inside the prison. One, we didn't have PPE. Two, they didn't recognize my symptoms as COVID-19 symptoms, so they wanted me to come to work," said Randy, who is president of AFGE Local 1741.

Recent AFGE News:

Trump Administration Moves to Abolish OPM Despite Law Prohibiting It [\(/link/12c4983bb01a43fda10c0cf3ee608a90.aspx\)](/link/12c4983bb01a43fda10c0cf3ee608a90.aspx)

June 29, 2020



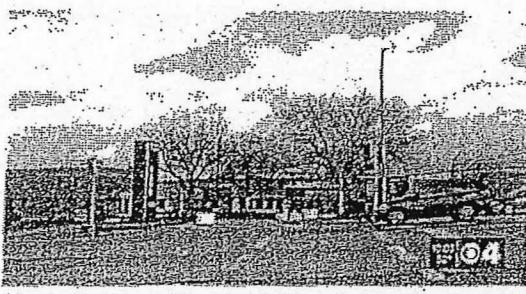
The Trump administration is working behind the scenes to move forward with its plan to merge OPM with the GSA.

[Read More](#)

[\(/link/12c4983bb01a43fda10c0cf3ee608a90.aspx\)](/link/12c4983bb01a43fda10c0cf3ee608a90.aspx)

1,000 USDA Employees Being Moved Out of Toxic Building Complex [\(/link/385c7d6ce6e046edb1b948ef1fb6701f.aspx\)](/link/385c7d6ce6e046edb1b948ef1fb6701f.aspx)

June 29, 2020



After a years-long fight, 1,000 employees working for the Department of Agriculture's Rural Development department are being moved out of the contaminated Goodfellow building complex in St. Louis, MO.

[Read More](#)

[\(/link/385c7d6ce6e046edb1b948ef1fb6701f.aspx\)](/link/385c7d6ce6e046edb1b948ef1fb6701f.aspx)

Court Rejects FLRA's Attempt to Dismiss AFGE's Lawsuit [\(/link/d2c58a95848443b483e56cc001814dd4.aspx\)](/link/d2c58a95848443b483e56cc001814dd4.aspx)

June 29, 2020

EXHIBIT B

May 31, 2020

University of Michigan Attorneys

Attn. Judge Trauger:

I am humbly writing this letter to ask for the early release of Benjamin Bradley. My association with Benjamin is through his past employment at Sinai-Grace Hospital in Detroit. I had the opportunity of working with him for approximately seven years. His work habits were very good.

Ben is a smart young man, receiving a promotion from Xray to the Cat scan Department where I worked with him. Ben is a very kind hearted, even so that I began to call him my little brother. I was inspired as I watched Ben's growth, from getting married, starting a family, such dedication to his children and their school work and many afterschool activities. My favorite story was hearing about the swim classes that he took with them. Even pursing his own education, from becoming board certified in CT to taking classes as his focus and goal was to attend medical school.

To my knowledge Ben had never been involved in any serious problems with the law. I have been in constant communication by mail with Ben and noticed that he is already a disciplined and changed man. His belief in God has helped him to understand his mistakes and cope with life during his incarceration. He truly is a good father that has an innate desire to raise his own children with unfailing love. While serving time in your Correctional facility, I would believe that he has displayed good behavior as a prisoner ready for early release. Please allow Ben the opportunity to reintergrate into society and prove himself a better man than he was before.

Sincerely,

Loretha Roberson

May 22, 2020

Dear Judge Trauger,

I am writing this letter in regard to Benjamin Bradley. I am a friend of Benjamin; I have known him since 9th grade, 1996. We met in a science class and I have always thought that he was a good guy. Typical teenager and life of the classroom and I mean he has gotten me through some rough classes. He has always been a respectable guy and stood up for those who could not stand up for themselves. Even after high school we managed to keep in touch even with life's different paths we still found time to get together and do kid friendly activities with families and gatherings amongst friends. I feel it is only right that I return the favor. Although Ben may have gotten wrapped up with the wrong crowd and done things that he is not proud of if given a second chance he would definitely make it right. He is a husband, father, son and brother and loved by many others. I can attest to his character that he is good guy and can be the change that society needs. He can be a voice and even mentor to young people of his community and help them from making mistakes that he and so many others have. I would hope that his sentence can be lowered and that he can return home to his family and all those that care for him and that will need his guidance. We all for short from time to time it is important that we learn from them and I deeply think that Ben has done so.

Sincerely,

Angelia Jackson

Lisa Whitty Bradley, M.D., FACS
P.O. Box 3217
Oak Park, IL 60303

Judge Trauger,
801 Broadway
Nashville, TN 37203

Dear Judge Trauger,

I am writing this letter on behalf of Benjamin Bradley, Sr., #3:15-cr-00037-2

Ben is my brother-in-law and I have known him for 23 years. When I first met him, he was a young man, just beginning his journey in life. Through the years I have seen him grow into a medical professional, get married, have children and evolve into a family man that has shown unrelenting love and support for his family.

Unfortunately, as you are well aware, Benjamin made decisions that were contrary to the greater good for himself, his family and the community as a whole. He was sentenced and has utilized every moment of his incarceration to educate himself and remodel his behavior.

Our society is one of great progress and has the potential for exceptional compassion. We have seen these acts of solidarity, selflessness and resourcefulness during the COVID 19 pandemic, where medical experts, frontline workers and the everyday person, have stepped forward to care for their fellow citizens. It is in this same realm of conscientiousness that I write to request that you and the courts consider amending Ben's sentence. Because of the inability to adequately socially distance those who live in close proximity, many inmates across the country have been remanded to house arrest and/or transitioned to other settings that provide a safer environment. These heroic measures by the judicial system will indeed help decrease the spread of this novel coronavirus and provide individuals, such as Benjamin, who have completed a significant amount of time in prison, an opportunity to re-matriculate into society.

I sincerely hope that you consider the request made by Benjamin and his attorneys to consider an early release. He has a strong, supportive family unit that will help with vital resources to insure his successful return to society.

Thank you for your time and attention. I pray that you and your local community remain safe and healthy during this critical time in our country's history.

Kindest regards,



Lisa Whitty Bradley, M.D., FACS
860-922-1176, lwhitty@yahoo.com

734-764-8242

To: Judge Trauger

From: Dr. Bradley

DATE: 5/27/2020

RE: Benjamin Bradley

To Whom It May Concern:

When asked to write a letter of reference for Benjamin Bradley, I happily obliged. It is of great regret, however, that a single page of coy paper may not do justice in detailing the great character of my eldest cousin.

As a busy practicing Family Medicine physician in the Metro Detroit area, I have seen a myriad of patients at different stages in their life from infancy to adulthood and geriatrics. Some battle addictions some face job loss and some face incarceration or recently released. Others have great careers or great chronic disease concerns. What they all share in common is that they want to change; they just need a coach to guide them. I serve that purpose of coaching them all stages of life without judgement, but through a shared partnership. I understand that without someone to educate and support them, then realizing their full potential is only a glass half empty. My cousin, Benjamin, loves to connect with people and help them realize their gifts. He could have a bad day, but you would not know because his motivation to help others prosper kept him smiling. He is just that kind of person that would help and cultivate relationships with people from every stage of their life.

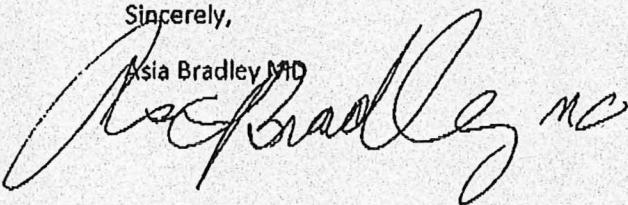
Growing up, Benjamin was the kind of kid that loved responsibility. Whether it was babysitting his younger sister, or serving as co-captain of his high school basketball team, he never shied from roles that required true ownership. It was a sheer delight and confidence booster for him. Even at a young age, he was the kind of person that cleaned his room, submitted his homework and even honored his curfews all without prompting. He just wanted to do the right thing and people gravitated toward him. He is a likable, kind and hardworking young man that wanted to serve others. He had applied for the Marine Corps after high school and tried boot camp, but realized he had a longing to go into medicine so he eventually came left the program. He could no longer ignore that calling and became a Radiology Technician in the local hospital. While working full time, married with three children, he was also taking prerequisite classes as he aspired to one-day work alongside me. A dream that deferred due to his current circumstance, but one that could still be possible if given a chance at an early release.

My cousin has supported me in all my endeavors, both personally and professionally, extending yielding love and support. When my car was totaled after an auto accident my first year of medical school, he took off days during his workweek to drive me around in search of a vehicle, even offering to lend me his vehicle. I am convinced that we will remain the best of cousins, as we grow older as we are just two years apart. He has been a part of every life-changing milestone, the one you can simply count on to be there with a larger than life smile, joyous heart ready to give whatever you may ask of without hesitation.

It is with my strongest recommendation that during this unprecedeted time in medicine and history, that Benjamin Bradley receive consideration for early release. I know that he will do more great in the community, mentoring others and one day finishing out his medical career.

Sincerely,

Asia Bradley MD



Your Honor,

I, Lori Carlton, have known Benjamin Bradley for over 10 years and it is my hope that my letter serves as a reflection of his character.

I worked side by side with Benjamin at Sinai Grace Hospital where he provided excellent patient care while helping assist with emergent cases that came in daily through our emergency department. During our time at Sinai, we have grown to know each other professionally and personally. I consider him a true friend; he is truly someone that anyone can go to for encouraging words and life advice.

Benjamin is a father, a teacher, a helper, and a positive influence to those around him. I have had the pleasure of watching Benjamin interact with his children and I know with his influence his children are on a path to greatness.

I believe that giving the nature of his alleged crime and his time served Benjamin will be a greater asset to the community. Based upon my knowledge of his character, I do not believe he would commit the offense alleged against him, I am asking for an early release on his behalf. I believe that during his incarceration he has grown and adapted a new outlook on life, he is prepared to re-enter the world as an upstanding citizen.

I hope my letter met you well and that my account of his character helps you decide to reunite him with his family during this unprecedented time.

Thank you for your time and consideration,


Lori Carlton

5/21/2020

Bear A young man I didn't just meet yesterday. Bear's a young man I've known from day one of his life. A young man I can sum up in one word, without writing a ten page letter. He's about family especially his kids. His kids really need him right now they are growing so fast.

We have all made mistakes in our lives no ones perfect. Bear will not be a bad risk or threat if released early. He will fit right in picking up with his kids, family and giving help in his community as well.

I totally support Bear and his release

Thank you
Chandelle Haugabook

21414 Penbrooke Dr.
Detroit, MI 48219

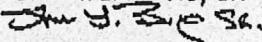
313-790-9331

Dear Judge Trauger,

My name is Shawn L. Bradley Sr. and I am Ben Bradley's first cousin.
I am writing this letter on behalf of our family, in requesting an early release of
Ben. I am sure in the time he has spent, he is a model prisoner and his time is
well spent being a good abiding citizen to the others in there.

I know we miss him but most of all, his children miss him more. I
hope you will give this letter some great consideration and believe that Ben is
able to function very well in society. Thank you.

Sincerely,

Shawn L. Bradley Sr.


May 19, 2020



Lesley Rice <ricele@umich.edu>

Regarding: Benjamin Bradley's release

1 message

Nikia Brockington <nbrockin1@gmail.com>
To: law-falclinic@umich.edu

Thu, May 28, 2020 at 8:40 PM

May 28, 2020

Honorable Judge Trauger

Re: Benjamin Bradley

Dear Judge Trauger,

Over the past 5 years I have had the pleasure to witness and experience the growth of Benjamin Bradley. Not only have I visited Benjamin, we have been in contact through letters and emails. Through his expression and experiences in his own words I know he is very remorseful for his action and I believe he deserves a second chance with an early release.

I've known Benjamin for over 15 years and he is a very respectful young man. We began our careers around the same time at Sinai-Grace Hospital. He is a very intelligent and hardworking family man. Benjamin is a loving husband and father to his children. His wife and children need their father home so they can grow up to be productive citizens.

I pray that this letter will be a source for consideration for Benjamin Bradley's early release.

Thank you in advance

Nikia Brockington

5/26/2020

Honorable Judge Trauger

Re: Benjamin Bradley

Dear Judge Trauger,

Over the course of 5 years, I have communicated with Benjamin on numerous occasions, in person, email, cards and letters. I have personally witnessed the remorse of a broken man, who I believe is sorry for his actions. I'm a firm believer in second chances. I know that Benjamin has a lot to offer to society at this point in his life, more than anything, his wife, two sons and daughter would certainly benefit from his early release. Children need both parents in the home.

I met Benjamin in July, 2003 upon entering the Sinai Grace School of Radiology. We both graduated in June 2005. I worked with him for the next 10 years. Ben was a very hard worker, very respectful and a caring and selfless person. Benjamin is educated and always carried himself in a profession manner on the job. He was always willing to help anyone he came in contact with. Ben has always conducted himself in a respectful manner in my presence. He is a husband and father who truly loves his family. Ben and I always have conversations about a firm relationship with God and family.

As I close, I pray that the information that I have provided would help you to consider his early release.

Thank you in advance,

Toni M. Joyner

**Old Landmark
Church of God in Christ
35248 Palmer Road
Westland, MI 48186**

May 19, 2020

Elder George Watson

To the Honorable Judge Trauger:

Humble greetings, good health and blessings to your family and your court staff. I, Elder G. S. Watson, Senior Pastor of Old Landmark Church is submitting this testament in support of Mr. Benjamin Bradley. Mr. Bradley, who I consider a prodigal son, has continued to be in my prayers and we have frequent conversations regarding repentance and faith prior and during his incarceration. Prior to incarceration, Mr. Bradley was active with his family, as a father and a husband and was also a constant parishioner when his work schedule allowed as an imaging technician within the hospital system. Even prior to coronavirus, Mr. Bradley expressed a renewed focus to be a better father, more loving husband and a greater asset to the community than he was before.

My humble request is for consideration is for Mr. Benjamin Bradley be extended an opportunity to return home during these extraordinary circumstances that the covid pandemic has presented. He will be surrounded by family and spiritual partners in emotional and mental support. Our greatest fear is that Mr. Bradley's life could be in peril because of the spread of covid within the penitentiary community without the greatest opportunity of redemption and contributing to his family upon scheduled release.

I thank you for your time in reading this petition. Please feel free to contact me further if you have any questions and want to have further dialogue.

A Brother In Christ,

Elder George Watson
Senior Pastor, Old Landmark Church of God in Christ
Email: pastorwatson1@yahoo.com

UNIVERSITY OF
MICHIGAN

Lesley Rice <ricele@umich.edu>

Judge Trauger

1 message

Shyla Fleming <shyla.fleming@icloud.com>
To: law-falclinic@umich.edu

Tue, Jun 2, 2020 at 7:24 PM

Shyla Fleming
7621 Streamwood dr.
Ypsilanti mi, 48197
6/1/2020

Dear honorable judge Trauger

I have known Benjamin for six years he has been a very important person In my life . I was shocked at the sentence he received . He has always been a stand-up guy helpful & solid . Thee biggest confidant in my life . It is for this reason I am happy to write a letter of recommendation for Benjamin . I understand the seriousness of this matter , however I hope the court will show some leniency towards Benjamin . In addition to me and Benjamin friendship he is a all around good person . While it is unfortunate that he has made some bad decisions resulting in the case but he has accepted hid responsibilities . He has so many supporters because the community knows what type of person he really is .i believe after five years he has emerged into a better person for himself his kids and family . Second chances aren't given it's earned . He deserves a second chance ma'am .

It is my sincere hope the court takes this letter into consideration at the time of sentencing . Despite the current case I believe Benjamin to be a honorable individual .

Sincerely,
Shyla Fleming
Sent from my iPhone

Benjamin Bradley 50878039
Federal Correctional Institution
PO Box 1000
Milan, MI 48160

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



7020 6272 E989 1000 1290 2020

Honorable Judge A. Tinger
801 Broadway Suite 800
Nashville, TN 372 03

U.S. District Court
Middle District of TN

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